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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,136	09/27/1999	VADIM SHTEYNBERG	99RE036	2345

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EXAMINER

TUGBANG, ANTHONY D

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 12/16/2002

23

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/407,136

Applicant(s)

SHTEYNBERG ET AL.

Examiner

Dexter Tugbang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-8 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) 4-8 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,21,23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/28/02 has been entered.

Election/Restrictions

2. The amendment filed 8/22/02 (Paper No. No. 19) has necessitated the following restriction requirement.
3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 2, 21 and 23, drawn to a process of constructing a segmented wound member, classified in class 29, subclass 596.
 - II. Claims 4-8 and 22, drawn to a process of winding segments of a segmented wound member, classified in class 29, subclass 605.

The inventions are distinct, each from the other because of the following reasons:

4. Inventions of Groups I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination (Group I) as claimed does not require the particulars of the

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subcombination (Group II) as claimed because Group I does not require the specifics of winding each segment of the plurality of segments during the step of rotating the segments, perpendicularly with respect to the axis to form the segments electrically in series with one another. The subcombination has separate utility such as winding and rotating segments simultaneously with a wire dispenser.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. Pending Claims 4-8 and 22 are directed to an invention that is independent or distinct from the invention originally claimed for the reasons stated above.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, Claims 4-8 and 22 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Shramo et al 5,425,165.

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Shramo discloses a method of constructing a segmented wound member comprising: winding N sets of stator segments (An, Bn, Cn), each set corresponding to a phase of the electromechanical device and each segment defining a bobbin (shown in Fig. 10), the N sets of segments being wound with a single continuous length of wire for each set such that the segments of each set are electrically in series (see Fig. 7), including 1) arranging the segments in a side-by-side orientation along a central longitudinal axis (centerline of wiring form 62), 2) winding the segments about the central axis; and 3) repeating steps 1) and 2) for each of the remaining sets of the segments (see col. 10, lines 16-47); and combining the N sets of segments in a common circular arrangement (see Fig. 12).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shramo et al in view of Japanese Patent Publication JP 60-182119, referred to hereinafter as JP'119.

Shramo discloses the claimed manufacturing method as previously discussed. Shramo does not mention a relative rotation in that the wire dispenser remains stationary and the segments rotate.

JP'119 shows a relative rotation in that a winding can occur with the segments 2 rotating and the wire dispenser 3 remaining stationary to form multiple segments of windings having the advantages of not decreasing the magnetic characteristics (see Purpose).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Shramo by including relative rotation of JP'119, to positively form multiple winding segments without decreasing the magnetic characteristics.

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shramo et al in view of Japanese Patent Publication JP 57-42112, referred to hereinafter as JP'112.

Shramo, as relied upon above (in Claim 2), teaches substantially all of the limitations of the claimed manufacturing method except moving the wire dispenser in a direction parallel to the axis of rotation to a position adjacent to the next segment.

JP'112 teaches a winding process, by the use of an X-Y table 20 (shown in Fig. 4), in which the winding dispenser (nozzle 7) moves in an X-direction parallel to the arrangement of segments 3 in a side-by-side orientation, and in a Y-direction around the segments 3 to wind the segments (as shown in Figs 7 and 8). The X-axis (shown in Figures 10 and 11) is considered to be the centerline axis of rotation of the segments in the side-by-side orientation of which the segments are wound around as the winding dispenser (nozzle 7) moves parallel to this axis of rotation. JP'112 further teaches the step of moving the wire dispenser parallel to the axis of rotation of the centerline of segments (X-direction) to a position of the next segment 3, then returning to the winding step to wind the next segment 3, such that the winding step and the moving step are performed until all of the segments are wound (shown in the sequence of

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Figures 9-12). The benefits of such a winding process allow the multiple segments to be wound continuously (see Abstract and Constitution).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Shramo et al, by moving the wire dispenser in a direction parallel to the axis of rotation to a position adjacent to the next segment, as taught by JP'112, to achieve the same function of winding multiple segments in a side by side orientation and advantageously wind the multiple segments continuously.

Response to Arguments

12. Applicant's arguments with respect to Claims 2, 21 and 23 have been considered but are moot in view of the new ground(s) of rejection.

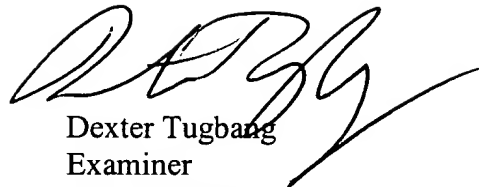
Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dexter Tugbang whose telephone number is 703-308-7599. The examiner can normally be reached on Monday - Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3588 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

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Dexter Tugbang
Examiner

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December 16, 2002